REMARKS

This Amendment and Request for Continued Examination are being filed in response to the Office Action mailed on May 27, 2008.

Claims 1-37 have been canceled without prejudice in the present amendment. New claims 38-45 are pending in the present action. No new matter is added by the newly presented claims. Support can be found in the claims as originally filed and in the specification on the following pages:

- the three component system is described on page 8, lines 1-17, page 10, lines 15-22, Example 2 on page 21 and Example 4 on page 26;
- the immediate release component is described on page 8, lines 1-7 and page 10, lines 15-22;
- the enteric component is described on page 13, lines 5-18;
- the water insoluble component is described on page 14, line 17 to page 15, line 11;
- the 75-450 mg composition is described on page 7, line 23;
- the capsule dosage form is described on page 6, lines 8-10;
- the tablet dosage form is described on page 16, lines 1-9; and
- the pharmacokinetics are described in original claims 23-28, Examples 1-4 on pages 20-26 and Figures 3 and 4.

In the Office Action the Examiner rejected claims 1-6 and 8-22 under 35 U.S.C. §§ 102(a) and (e) as being anticipated by United States Published Patent Application No. 2001/0046964 (hereinafter "the '964 application). The Examiner also rejected claims 1-6 and 8-22 under 35 U.S.C. § 103(a) as being unpatentable over the '964 application.

In response to this rejection, Applicants have canceled the previous claims without prejudice and submit new claims 38-50. New claims 38-50 are directed to a three component dosage form that comprises: 1) an immediate release bupropion component; 2) an enteric release component comprising bupropion and a pH dependent polymer and 3) a sustained release component comprising bupropion and a water insoluble polymer. Applicants have discovered that the three component system

will allow once a day dosing of bupropion without the major peaks or spikes in plasma concentration that can result in adverse side effects.

Applicants respectfully submit that the newly presented claims are patentable over the teachings of the '964 application. The '964 application teaches a multi-particulate timed pulsed drug delivery system wherein a population of particles are coated with an enteric coating **and** a coating comprising an enteric material and a water insoluble material. This dual modified release coating system is different from the presently claimed invention which requires bupropion to be associated with and released by the enteric component and bupropion to be associated with and released the sustained release component. The three component system of the pending claims is not disclosed or suggest by the '964 application.

Based upon the foregoing amendments and representations, Applicants respectfully submit that the pending claims in the above-identified application are patentable over the art of record. Early and favorable action is earnestly solicited.

Respectfully submitted,

Martin P. Endres
Reg. No. 35,498

MAILING ADDRESS:
HEDMAN & COSTIGAN, P.C.
1185 Avenue of the Americas
New York, NY 10036-2601
(212) 302-8989